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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,880	10/07/2004	Sidney C. Alford	16170.1	1313

22913 7590 03/07/2007  
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EXAMINER

ELDRED, JOHN W

ART UNIT PAPER NUMBER

3641

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



### DETAILED ACTION

1. Claims 12-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12-15-06. The restriction is being maintained for these claims since they involve moving a wall of the container instead of a projectile wall, as in the elected claims.

2. This application contains claims 12-15 drawn to an invention nonelected with traverse in Paper No. 12152006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 7, 9, 11, and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pihl et al (2,083,665).

Pihl et al disclose all claimed elements of the single use “disruptor” including a cartridge comprising a container 5 formed of material which is destroyed upon firing, a projectile 7, and “spacer elements” 6, 8 (i.e. the threads on the container 6 and projectile 7) which allow the projectile to be positioned at a number of positions as it is screwed into the container, and an enclosure for powder formed by the container and the end of the projectile. See especially Figure 2.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3641

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pihl et al (2,083,665) in view of either one of Miller, Jr. (2,532,323) or Swank (5,943,749).

Pihl et al disclose all claimed elements of the single use “disruptor” including a cartridge comprising a container 5 formed of material which is destroyed upon firing, a projectile 7, and “spacer elements” 6, 8 (i.e. the threads on the container 6 and projectile 7) which allow the projectile to be positioned at a number of positions as it is screwed into the container, and an enclosure for powder formed by the container and the end of the projectile. See especially Figure 2. Pihl et al fail to show a particular material from which the projectile is made, in particular magnesium, zirconium, or titanium are not disclosed. Miller, Jr. and Swank each teach that it is known to form a bullet from magnesium and Swank also teaches bullets formed from zirconium. See column 3, lines 1-10 of Miller, Jr. and column 4, lines 27-35 of Swank. Motivation to combine is the mere use of a particular known material for a bullet in place of unspecified materials. To employ the teachings of Miller, Jr. or Swank on the cartridge of Pihl et al and have magnesium forming the projectile is considered to have been obvious to one having ordinary skill in the art.

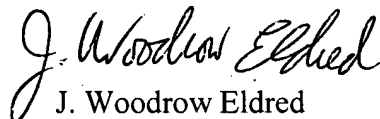
7. Claims 3, 5, 6, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 571-272-6901. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

Art Unit: 3641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



J. Woodrow Eldred  
Primary Examiner  
Art Unit 3641

JWE